

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BEKAH DUBOIS,
Plaintiff,
v.

ANTHONY BOSKOVICH, et al.,
Defendants.

Case No. [21-cv-03224-HSG](#)

ORDER RESCINDING DISMISSAL

Re: Dkt. No. 16

Plaintiff Bekah Dubois filed this action pro se on April 30, 2021. *See* Dkt. No. 1. On May 7, 2021, Judge Kim¹ issued an order granting Plaintiff's motion to proceed *in forma pauperis*, but placed a hold on service of the complaint under 28 U.S.C. § 1915(e) because the complaint failed to establish that the Court had jurisdiction. *See* Dkt. No. 5. Judge Kim explained the deficiencies in the complaint and provided Plaintiff with another opportunity to amend. Having reviewed the amended complaint, Judge Kim again found that Plaintiff had failed to allege sufficient facts to establish that the \$75,000 amount in controversy was met, as required for the Court to have diversity jurisdiction over this case. *See* Dkt. No. 10. Accordingly, on July 22, 2021, Judge Kim recommended dismissing this case with prejudice. *See id.* at 3. The report and recommendation indicated that Plaintiff could file any objections within fourteen days. *See id.*

After the time for objections had passed, this Court adopted Judge Kim's report and recommendation and dismissed the case with prejudice. *See* Dkt. No. 16. The next day, the Court received Plaintiff's objection to the report and recommendation. *See* Dkt. No. 17. In it, Plaintiff suggested that she could cure the deficiencies in her complaint and requested an additional 30 days


¹ This case was previously assigned to Magistrate Judge Sallie Kim, and was reassigned to this Court on July 23, 2021. *See* Dkt. No. 14.

1 to file a second amended complaint. *Id.*

2 Having considered Plaintiff's objection, the Court **RESCINDS** the dismissal and directs
3 the Clerk to reopen this case. Dkt. No. 16. Plaintiff further **DIRECTS** Plaintiff to file her second
4 amended complaint within 30 days of the date of this order. Plaintiff should ensure that she
5 explains *how* this case meets the \$75,000 amount in controversy for diversity jurisdiction. It is not
6 enough for Plaintiff to say that she is entitled to \$259,209.11 and \$800,000 in damages for each of
7 her claims. She must explain in detail how she calculated these figures and why she believes that
8 she is legally entitled to these damages.

9 **IT IS SO ORDERED.**

10 Dated: 9/2/2021

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12 HAYWOOD S. GILLIAM, JR.
13 United States District Judge
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